

**MINUTES
COLUMBUS BOARD OF ZONING APPEALS
FEBRUARY 26, 2008
COUNCIL CHAMBERS, 2nd FLOOR, CITY HALL
123 WASHINGTON STREET
COLUMBUS, INDIANA**

Members Present: Mary Ferdon, Chairperson; Dave Bonnell, Secretary;
Lou Marr and Jeff Sharp

Staff Present: Laura Thayer, Assistant Planning Director; Jeff Bergman,
Director of Planning; Alan Whitted, Deputy City Attorney;
Stephanie Carr, Code Enforcement

PUBLIC MEETING

Mary Ferdon, Chairperson, opened the meeting with a brief explanation about the Board and its responsibilities.

The petitions and staff comments are a permanent record at the Planning Department.

Alan Whitted, Deputy City Attorney, administered the oath to all in attendance that would be speaking.

NEW BUSINESS REQUIRING BOARD ACTION

DOCKET AA-089-01: CCI ROOFING & INDUSTRIAL SYSTEMS INC:

CCI Roofing & Insulation systems Inc has appealed an administrative decision that its business is classified as a trade shop and is not permitted at its current location, in the B-2 (Community Business) zoning district. The property is located at 2345 North County Road 200 West in Columbus Township.

Jason Guthrie of Sharpnack, Bigley, Stroh, & Washburn, representing the petitioners; and petitioners Jodie and Fred Cusak stated their names and addresses into the record.

Mr. Bergman began the meeting addressing the board with a background summary and a visual presentation was made.

He stated that the property was originally developed under the jurisdiction of Bartholomew County. In 1981 Bartholomew County rezoned the one-half acre site from R-1a (Single Family Residential) to C-1 (Local Business). Mr. Bergman said that the rezoning was an attempt to correct a situation created when the structure on the property was illegally converted from an agricultural building to a gymnastics studio. The property was transitioned to the B-2 zoning district in 1988 when the area was included in the City's 2-mile jurisdiction.

He said that the Planning Department reviewed the permitted uses in each of the 5 businesses and 3 industrial zoning districts in search of listed uses that were most comparable and compatible with a roofing and insulation contractor's office/workshop.

Mr. Bergman stated that the Planning Department determined that this use was most comparable with "contractors and construction" yards and "trade shops", which are permitted uses in a B-5 (General Business) zoning district. Therefore, the Planning Department concluded that a roofing and insulation contractor's office/workshop was a permitted use in the B-5 zoning district, but not in the B-2 zoning district.

Mr. Guthrie presented his case to the staff. He said that the petitioners believe that their business would fall under an office rather than a trade shop. He stated that they did not do any work on site and did not make anything at the business. Mr. Guthrie said that the description for their type of work really didn't fall under any specific category, and that they were in a gray area.

He said that their business would probably be most similar to the carpet store.

He said he didn't think the outside of the building should matter, and that it's what type of work it's used for that's important, and what the primary function of the building is for.

Mr. Guthrie said one of the big concerns was the noise and traffic but in this case there is not any noise.

He said that the neighbors had no problem at all with the noise or traffic. Mr. Guthrie showed a visual presentation of the farmland surrounding the property, and the few houses nearby.

The meeting was opened to the public.

Scott Wools, Jim Puckett and Charleen Ness spoke in favor of the petitioners.

The meeting was closed to the public.

There was a brief discussion among staff and the petitioners about the business operations that were done each day.

Dave Bonnell made a motion to uphold the Planning Department's decision on AA-08-01. Lou Marr seconded the motion and it passed 4-0.

FINDINGS OF FACT

The following findings of fact were presented to the Board for consideration:

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C/DS-07-09: David and Carol Geraghty

Lou Marr made a motion to accept the findings of fact, seconded by Jeff Sharp. The motion carried by a vote of 4-0.

AA-07-01: Jim and Carol Daily

Jeff Sharp made a motion to accept the findings of fact, seconded by Dave Bonnell. The motion carried by a vote of 4-0.

APPROVAL OF MINUTES

Upon the motion made by Lou Marr and seconded by Jeff Sharp the minutes of January 22, 2008 were approved by a vote of 4-0.

Dave Bonnell moved to approve the minutes of the December 18, 2008 meeting. The motion was seconded by Jeff Sharp and carried by a vote of 4-0.

DISUSSION

There being no further business the meeting was adjourned.

Mary Ferdon, Chair

Dave Bonnell, Secretary